

Presentment Date and Time: March 3, 2021 at 4:00 p.m. (Prevailing Eastern Time)
Opposition Date and Time: March 3, 2021 at 11:30 a.m. (Prevailing Eastern Time)

OFFIT KURMAN, P.A.
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Counsel for Debtor and Debtor in Possession

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

Case No: 20-43932-jmm

FANCHEST, INC.,

Chapter 11

Debtor.¹

**NOTICE OF PRESENTMENT OF PROPOSED ORDER SCHEDULING HEARING TO
CONSIDER CONFIRMATION OF DEBTOR'S AMENDED PLAN OF
REORGANIZATION PURSUANT TO SUBCHAPTER V OF CHAPTER 11**

PLEASE TAKE NOTICE that Fanchest, Inc., as debtor and debtor in possession (the “Debtor” or “Fanchest”), hereby gives notice of its motion that it will present the proposed order (the “Proposed Order”) annexed hereto as Exhibit A to the Honorable Jil Mazer-Marino, United States Bankruptcy Judge, for signature on **March 3, 2021 at 4:00 p.m. (Prevailing Eastern Time)**.

PLEASE TAKE FURTHER NOTICE that any response or objection to the Proposed Order must be filed with the Bankruptcy Court and received in the chambers of the Honorable Jil Mazer-Marino, U.S. Bankruptcy Court, Eastern District of N.Y., Conrad B. Duberstein U.S.

¹ (Federal Tax Id. No. xx-xxx 3182).

Courthouse, 271-C Cadman Plaza East, Suite 1595, Brooklyn, NY 11201-1800, not later than **11:30 a.m. on March 3, 2021 (Prevailing Eastern Time)**. The ECF docket number to which the filing relates shall be included in the upper right-hand corner of the caption of all objections. Unless objections are received by that time, the Proposed Order may be signed.

Dated: February 26, 2021
New York, New York

OFFIT KURMAN, P.A.

By: /s/ Michael T. Conway
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590 Madison Avenue, Sixth Floor
New York, New York 10016
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Counsel for Debtor and Debtor in Possession

Exhibit A

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

Case No: 20-43932-jmm

FANCHEST, INC.,

Chapter 11

Debtor.¹

**ORDER SCHEDULING HEARING TO CONSIDER CONFIRMATION OF DEBTOR'S
PLAN OF REORGANIZATION PURSUANT TO SUBCHAPTER V OF CHAPTER 11**

Fanchest, Inc., the debtor and debtor in possession (the “Debtor”), the debtor and debtor-in-possession in the above-captioned small business case filed under subchapter V of chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”), filed an *Amended Plan of Reorganization for Small Business Under Chapter 11* [ECF No. 79] on February 26, 2021 (the “Plan”); and after due deliberation; it is hereby

ORDERED, that a telephonic hearing to consider confirmation of the Plan shall be held before the Honorable Jil Mazer-Marino, United States Bankruptcy Judge, on April 9, 2021 at 1:00 p.m. prevailing eastern time (the “Confirmation Hearing”); The dial-in information for the hearing is as follows: Toll-Free Number: **(888) 273-3658**; Access Code: **2872314**; and it is further

ORDERED, that service of this Order and the Motion upon (i) the Office of the United States Trustee, (ii) all creditors listed by the Debtors in their bankruptcy schedules or who filed proofs of claim with the Clerk of the Court, (iii) all parties who have filed and served upon the Debtor’s counsel a notice of appearance in this case, and (iv) the subchapter V Trustee appointed in this case, by first class mail no later than March 5, 2021, shall constitute good and sufficient service and notice hereof; and it is further

¹ (Federal Tax Id. No. xx-xxx 3182).

ORDERED, that the Debtor shall promptly file an affidavit of service thereafter; and it is further

ORDERED, that objections, if any, to the Plan shall be in writing and filed with the Clerk of the U.S. Bankruptcy court for the Eastern District of New York, Conrad B. Duberstein Courthouse, 271-C Cadman Plaza East – Suite 1595, Brooklyn, New York, in accordance with the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules for the Eastern District of New York, and served upon the following parties: (i) Offit Kurman, P.A., counsel for the Debtor, 590 Madison Avenue, Sixth Floor, New York, New York 10022, Attn: Michael T. Conway; (ii) Eric Michael Huebscher, subchapter V Trustee for Fanchest, Inc., Huebscher & Co., 630 3rd Avenue – 21st Floor, New York, NY 10017; and (iii) Office of the United States Trustee, U.S. Department of Justice, Office of the United States Trustee, Region 2 – Brooklyn Division, 201 Varick Street, Suite 1006, New York, New York 10014, Attn: Jeremy Sussman, Trial Attorney, so as to be received no later than **April 2, 2021 at 5:00 p.m.**; and it is further

ORDERED, that completed ballots must be submitted in the form annexed hereto as **Exhibit A** (the “Ballot”), either by regular mail or e-mail, on:

OFFIT KURMAN, P.A.
Michael T. Conway, Esq.
590 Madison Avenue, Sixth Floor
New York, New York 10022
Telephone: (929) 476-0041
Facsimile: (212) 545-1656
Michael.Conway@OffitKurman.com

so as to be received no later than **April 2, 2021 at 5:00 p.m.**; and it is further

ORDERED, that the Debtors shall file a Ballot Tabulation and Certification of Acceptance and Rejection of the Plan with the Clerk of the Court no later than **April 6, 2021**.

Exhibit A - Ballot

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

Case No: 20-43932-jmm

FANCHEST, INC.,

Chapter 11

Debtor.²

CLASS [] BALLOT FOR ACCEPTING OR REJECTING AMENDED PLAN OF REORGANIZATION

Fanchest, Inc., the Debtor in this case, filed a plan of reorganization dated February 26, 2021 (the Plan). If you are a holder of a Claim against the Debtor you must use this ballot to cast your vote to accept or to reject the Debtor's *Amended Plan of Reorganization for Small Business Under Chapter 11*, as may be amended, modified or supplemented, (the "Plan"). **Before you transmit your vote, please review the Plan carefully.**

You may wish to seek legal advice concerning the Plan and your classification and treatment under the Plan. This Ballot does not constitute, nor will it be deemed to be a proof of claim or an amendment to a proof of claim or interest or an assertion of a claim of a waiver of any bar date or deadline to file a proof of claim or interest.

If your ballot is not received by Michael T. Conway, Esq., Offit Kurman, P.A., Madison Avenue, Sixth Floor, New York, New York 10022, on or before April 2, 2021, and such deadline is not extended, your vote will not count as either an acceptance or rejection of the Plan.

If the Plan is confirmed by the Bankruptcy Court, it will be binding on you whether or not you vote.

Acceptance or Rejection of the Plan

The undersigned, is the holder of a Class [] claim against the Debtor in the unpaid amount of Dollars (\$).

Check one box only

☐ **Accepts the plan**

☐ **Rejects the plan**

² (Federal Tax Id. No. xx-xxx 3182).

Certification. By returning this Ballot, the holder of the claim identified above certifies that it has
(a) full power and authority to vote to accept or to reject the Plan with respect to said claim; and
(b) received a copy of the Plan (including the exhibits thereto) and understands that the solicitation
of the votes for the Plan is subject to all the terms and conditions set forth in the Plan.

Dated: _____

Print or type name: _____

Signature: _____ Title (if corporation or partnership) _____

Address: _____

**YOUR BALLOT MUST BE RECEIVED BY COUNSEL FOR THE DEBTORS AT THE
BELOW ADDRESS BY 5:00 P.M. ON APRIL 2, 2021, OR IT MAY NOT BE COUNTED.**

OFFIT KURMAN, P.A.
Michael T. Conway, Esq.
590 Madison Avenue, Sixth Floor
New York, New York 10016
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Michael.Conway@OffitKurman.com

**IF YOU HAVE ANY QUESTIONS REGARDING THIS BALLOT OR THE VOTING
PROCEDURES, OR IF YOU NEED A BALLOT OR ADDITIONAL PRINTED COPIES OF
THE PLAN OR OTHER MATERIALS ENCLOSING IN THE SOLICITATION
PACKAGE, PLEASE CONTACT COUNSEL FOR THE DEBTOR AT (929) 476-0041 OR
MICHAEL.CONWAY@OFFITKURMAN.COM.**